

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 353 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA. and
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

COMMISSIONER OF INCOME-TAX

Versus

KHIMCHAND CHHAGANLAL

Appearance:

MR MANISH R BHATT for Petitioner
MR KC PATEL for Respondent No. 1

CORAM : MR.JUSTICE R.BALIA. and
MR.JUSTICE A.R.DAVE

Date of decision: 28/04/99

ORAL JUDGEMENT

The following question arising out of its appellate order in ITA 733/Ahdp/1983 relating to the assessment year 1977-78 has been referred to this court for its opinion by the Income Tax Appellate Tribunal, Ahmedabad.

"Whether on the facts and in the circumstances of

the case, the finding of the appellate tribunal that share income from M/s.Vadilal Khimchand, M/s.Khimchand Natverlal & Co. (Ratanpole) and M/s.Khimchand Natverlal & Co. is not includible in the assessee's total income under section 60 of income-tax Act, 1961 is correct in law"?.

2. It has been pointed out by both the learned Counsel that in assessee's own case for the earlier assessment years in ITR 419/80 & 402/82 decided by two separate orders on 20.4.93, the question has been answered in the negative that is to say in favour of the Assessee and against the Revenue following the decision of CIT Vs. Nandini Narrotamdas 140 ITR Page 16.

3. Following the aforesaid decision, we answer the question referred to above in affirmative that is to say in favour of the assessee and against the Revenue.

4. Reference accordingly stand disposed of. No costs.

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